

Town of Lake Park Town Commission Agenda Request Form

Meeting Date: December ¹⁷ 3, 2003

Agenda Item No. _____

- ☐ PUBLIC HEARING ☒ RESOLUTION
☐ Ordinance on Second Reading ☐ DISCUSSION
☐ Public Hearing
☐ ORDINANCE ON FIRST READING ☐ BID/RFP AWARD
☐ GENERAL APPROVAL OF ITEM ☒ **CONSENT AGENDA**
☐ Other: _____

SUBJECT: POLICY HANDBOOK - USE OF VEHICLES

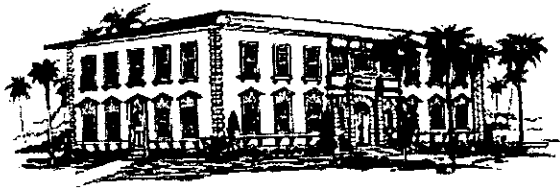
RECOMMENDED MOTION/ACTION: To Adopt Resolution No. _____

Approved by Town Manager [Signature] **Date:** 12/9/2003

Originating Department: Administrative Services	Costs: \$ <u>0</u> Funding Source: Acct. #	Attachments: <u>4</u>
Department Review: <input checked="" type="checkbox"/> City Attorney <u>OMB</u> <input type="checkbox"/> Community Affairs _____ <input type="checkbox"/> Community Development _____	<input type="checkbox"/> Finance _____ <input type="checkbox"/> Fire Dept _____ <input type="checkbox"/> Library _____ <input type="checkbox"/> PBSO _____	<input type="checkbox"/> Personnel _____ <input type="checkbox"/> Public Works _____ <input type="checkbox"/> Town Clerk _____ <input type="checkbox"/> Town Manager _____
Advertised: Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>✓</u> : Please initial one.

Summary Explanation/Background:

SEE ATTACHMENTS



TOWN OF LAKE PARK ADMINISTRATIVE SERVICES

MEMO:

TO: Mayor and Commission
FROM: Annette Kersey, Director Administrative Services
DATE: November 20, 2003
RE: Policy Handbook – # 3. Use of Town Vehicles

The attached revision of the Town of Lake Park Policy Handbook, Section 3, "Use of Town Vehicles", is intended to provide detailed direction to all Town employees who presently use or who may use Town owned vehicles. This new policy should also serve to reduce liability to the Town of Lake Park as a direct result of the clarification of the procedures to be followed by all employees in control of Town owned vehicles.

- 3. USE OF TOWN VEHICLES** – Town vehicles shall be used for Town business only, except as authorized by the Town Manager. Only the employee assigned a Town vehicle or designated to operate a vehicle may do so. Town vehicles may be used for transportation to and from an employee's residence when assigned to an employee on a full time basis; or when the employee is officially "on call" emergency duty; or when, on a temporary basis, the employee is assigned the vehicle directly by the Department Head or the Town Manager. Unauthorized passengers are prohibited from riding in or operating Town vehicles or equipment. The operator is held responsible for enforcement of this rule.

A. Age Limit: No person, employee or otherwise, who is under eighteen (18) years of age is permitted to operate Town vehicles or equipment.

B. Motor Vehicle Record Requirements (MVR):

1. An applicant for a position with the Town of Lake Park, whose job duties include driving a Town vehicle, will have his/her current vehicle driving record reviewed prior to being employed. If the MVR has greater than eight (8) points in a 24 month period listed for traffic violations, a conviction or pending charge for driving under the influence during that period, that applicant will be disqualified from consideration for the position in question.
2. If a current employee whose job description includes the duty to operate a Town vehicle has, at any time, an MVR that is found to be greater than Uniform Traffic Citation offense codes, that employee shall be required to attend a defensive driving course at his/her own expense. The accumulation of points is for a twenty-four (24) month period. The Department of Administrative Services shall be responsible for reviewing, around the anniversary date of the employee's initial hiring or promotion to a position necessitating the driving of a vehicle, the employee's MVR.
3. An employee who is identified as having an MVR greater than eight (8) points will be given two weeks from the date of notification to present a certificate from a school of defensive driving to the appropriate department head or the employee's driving privileges will be suspended until such certification is presented.

C. DRIVERS LICENSE REQUIREMENTS:

1. Prospective and current employees, whose job duties include the operation of a Town vehicle, must be in possession of a valid and current Florida Driver's License to include the appropriate class of commercial license for the vehicle being operated. *Under no circumstances shall a Town employee, whose license has been cancelled, revoked, suspended, or expired, operate a vehicle around or about a roadway.*
2. During the hiring, promotion, or transfer of a current or prospective Town employee, whose duties include the operation of a Town vehicle, said employee shall produce a valid and current Florida Driver's License.
3. An employee whose job duties include the operation of a Town vehicle, shall immediately, within 24 hours, notify his/her department head or delegated official of any change in the status of his/her driver's license or the receipt of any citation for a moving violation in the operation of a motor vehicle, whether the citation was issued on or off the job. *Failure to immediately report a driver's license revocation, suspension, cancellation, or citation, as required by this paragraph, shall result in disciplinary action.*
4. An employee who fails to report a change in the status of his/her driver's license or the receipt of any citation for a moving violation shall be subject to one or more of the following:
 - Letter of reprimand, or
 - Suspension without pay, or
 - Revocation of driving privileges and transfer/demotion to a job not requiring the ability to drive, or
 - Termination of employment

D. DRIVER LICENSE/INSPECTION:

The immediate supervisor may request an employee provide proof of a valid Driver's License or Commercial Driver's License from any employee prior to the operation of any Town vehicle. The immediate supervisor should verify the expiration date of the license, the Class of the license, and insure that the license contains any endorsements which may be required for the operation of a specific Town vehicle.

E. VIOLATIONS:

1. An employee who is required to drive Town or privately owned vehicles while conducting authorized Town business is required to inform the director/supervisor of his/her department within one working day of receipt of violations which reflect a serious hazard or disregard for public safety, including but not limited to such offenses as:
 - Receiving a citation for operating a vehicle while under the influence of alcohol or any controlled substance.
 - Receiving a citation for leaving the scene of an accident.
 - Receiving a citation for driving while under suspension or revocation of any driver's license.
 - Receiving a citation for reckless operation of a motor vehicle resulting in bodily injury or property damage.
2. An employee who is required to drive any Town or privately owned vehicle, while conducting authorized Town business, is required to inform the director/supervisor of his/her department within one working day of any property damage incidents or moving violations involving Town vehicles which are cited or not cited.

F. ACCIDENTS:

All accidents, no matter how minor or inconsequential, must be reported to and investigated by the Palm Beach County Sheriff's Office. Obtain a copy of the crash report and/or the agency assigned case number. In addition, a Town of Lake Park accident reporting form must be completed and as quickly as possible. All information related to the accident shall be submitted to the Administrative Services Department, the Immediate Supervisor and the Department Director. The Department of Administrative Services and the Department of Public Works distributes insurance cards and vehicle registrations. These documents are to be kept with the vehicle at all times, as required by Florida Law. In the event these documents are missing, it must be reported immediately to the appropriate Department Director.

G. LICENSE SUSPENSION:

Operators of Town vehicle/equipment including those who hold a Driver's License, or a Commercial Driver's License (CDL), must notify their immediate supervisor and Department of Administrative Services, in writing, the next business day following a suspension, revocation, cancellation, or other disqualification from driving any motor vehicle.

1. If driving is considered a minimum requirement of the job, and the license is suspended, canceled, revoked or otherwise restricted to affect job performance the employee must immediately notify, in writing, their Department Director and the Department of Administrative Services.
 - a. The employee may not continue to work in that classification if driving is considered a minimum requirement.
 - b. At the Department's request, depending upon the immediate needs of the Department, the employee may be granted up to a 90 day suspension of his/her driving privilege with the Town or until the scheduled court disposition for restoration of the license. If the employee fails to acquire his/her license within this time frame, then they shall report to the Department of Administrative Services for possible placement in a classification that does not require driving. This will be dependent upon the employee's qualifications, Town vacancies, availability, interview results and desires and needs of the receiving department.
2. If the employee cannot be placed in another Department, or given up to 90 days driving privilege suspension, then the employee may be terminated for failure to meet the minimum requirements of the classification.
3. Disciplinary action may occur depending upon the reason for the suspension.

4. If the employee's license is suspended or revoked due to a DUI (driving under the influence) charge, then all above procedures shall also occur. The Town of Lake Park Drug Free Workplace Policy shall be followed. However, if the employee is found guilty then:
 - a. The employee will not be allowed to apply for or continue in any position that requires driving for a one year period effective from the date they were found guilty.
 - b. Following a period of one (1) year, if the employee returns to a job that requires driving and has another DUI conviction they will be subject to disciplinary action, up to and including termination, and will not be eligible for a job that requires driving for a five (5) year period from the date of conviction.

H. DRUG AND ALCOHOL SCREENING:

Operators of any Town owned or controlled vehicles are subject to drug testing in accordance with the Town of Lake Park Drug Free Workplace Policy and the Service and Business Workers of America, Local 125 Union Contract. Random screening, which is mandated by the Florida Department of Transportation (FDOT) under Section 382.305, will also be conducted.

I. DRUG TESTING:

Drug testing procedures are administered through the Department of Administrative Services which includes compliance with the Town of Lake Park Employee Policy Handbook and the Service and Business Workers of America, Local 125 Union Contract. Refer to the Town of Lake Park Drug Free Workplace Policy for additional information.

J. INTOXICATING LIQUOR, DRUGS:

1. **Use of liquor and/or drugs is prohibited.**

The Town of Lake Park adheres to a Drug Free Workplace Program and enforces a zero tolerance policy on Alcohol and Drugs in the workplace. Town of Lake Park Employees shall not drive a Town vehicle while under the influence of intoxicating liquor or drugs.

2. **Penalty for Traffic Citation.** A Town employee who receives a traffic citation for driving a Town vehicle while under the influence of intoxicating liquor or drugs will have his or her Town vehicle operator privileges suspended or revoked by the Department Director or his designee. *Any passengers who are authorized drivers may also have their Town vehicle operator privileges suspended or revoked where it is shown that such employees knew or should have known that the driver was under the influence of intoxicating liquor or drugs and did not take reasonable action to prevent the driver from driving the vehicle.*
3. **Penalty for DUI Conviction.** A County employee who is convicted of driving a Town vehicle while under the influence of intoxicating liquor or drugs may be terminated from employment. *Any Town employees who were passengers in the vehicle also may be terminated from employment where it is shown that such employees knew or should have known that the driver was under the influence of intoxicating liquor or drugs and did not take reasonable action to prevent the driver from driving the vehicle.*

K. **VEHICLE INSPECTION:**

1. A formal vehicle inspection will be conducted by the operator of any/all vehicle/equipment prior to and at the end of each shift.
2. With this process, the operator is required to inspect his/her vehicle/equipment and to document the results of the inspection on a "Vehicle Equipment and Safety Inspection Sheet". The completed form will be turned in to the immediate supervisor at the end of his/her shift.
3. When the operator observes any damage to the vehicle/equipment, which is otherwise unreported (a damage log kept in the department), the operator will notify his/her supervisor who will initiate a comprehensive investigation and notify the appropriate departments as required. The operator will also prepare a Town Vehicle/Equipment Damage Report and distribute it prior to the conclusion of his/her shift.

4. The Vehicle Maintenance Department will conduct a personal inspection during every preventative maintenance service on all vehicles/equipment in every department and forward the results to the appropriate Department Directors.
5. Employees will inspect the passenger compartment of their assigned vehicles/equipment at both the beginning and the end of their shifts to ensure no food, waste debris, or other foreign materials are left inside.
6. The employee's supervisor will conduct a formal inspection once a month. The employee's supervisor will be responsible for forwarding the results of the vehicle/equipment inspection to the Vehicle Maintenance Department.
7. When the supervisor observes any damage to said vehicle/equipment which is otherwise unreported, he/she will initiate a comprehensive investigation with documentation to include photographs. This report will be forwarded to the Department Director, Vehicle Maintenance Department and the Administrative Services Department simultaneously. The supervisor will log the damage, vehicle and date of occurrence in the vehicle damage log which will be maintained in the appropriate Department.

L. DAMAGED OR STOLEN VEHICLE/EQUIPMENT:

1. If your Town vehicle/equipment is damaged or stolen, report the theft or damage immediately to the Palm Beach County Sheriff's Office and your immediate supervisor. Obtain a copy of the police report filed or the assigned case number. Submit all acquired information to the Department Director and the Administrative Services Department without delay.
2. The Town recommends that employees who use Town vehicles refrain from placing personal items in assigned vehicles. The Town of Lake Park assumes no liability for personal items.

M. VEHICLE OPERATION:

1. Any employee operating a Town vehicle/equipment is responsible for the care and maintenance of such equipment. Employees shall check fluid levels, lighting, tires (conditions and pressure) on a daily basis to keep the vehicle operating safely.
2. While on duty, operators of Town vehicles and equipment shall obey all traffic laws, driving in a defensive manner, and set an example for others. This policy prohibits employees from driving under the influence of drugs or alcohol including prescription drugs. If any employee is taking prescription drugs on a doctor's orders, that employee is required to immediately notify their supervisor if the prescribed drug(s) affect their driving ability.
3. Seat Belts will be worn. It is mandatory that seat belts be used by all employees/occupants of a Town vehicle, at all times, without exception. It is the driver's responsibility to ensure that all occupants fasten their seat belts prior to operating the vehicle. Any malfunctioning seat belt should be reported to the Vehicle Maintenance Department and brought to Vehicle Maintenance Shop for immediate repair or replacement. The Town of Lake Park reserves the right to revoke the driving privilege of any driver not complying with this policy.
4. Except when on calls for service, Town vehicles shall not be parked illegally or in such a manner as to interfere with the free movement of traffic. At all times, when a Town vehicle is left unattended, it shall be properly secured by removing the keys and locking all doors and windows. The use of all required safety devices such as cones, flares or warning triangles shall be used when vehicle is unattended, blocking traffic.
5. When turning a vehicle in at the end of the work day, the operator shall make sure that the vehicle/equipment is clean, fueled and ready for use.
6. No posters, stickers or advertisements shall be placed upon Town vehicles without prior approval from the Town Manager.

7. Town vehicles may be used for transportation to and from meals only when assigned to an employee on a full time basis or when in use by employees required by job assignments to take their meals in the field.
8. Radio equipped vehicles shall maintain radio contact with an appropriate base when on duty or on call.

N. FAILURE TO COMPLY AND DISCIPLINARY ACTIONS:

1. The use of a Town vehicle is a privilege and a benefit and not an automatic right. Failure to comply with any portion of the Town of Lake Park vehicle/equipment use policy may result in disciplinary action.
2. Disciplinary actions imposed may start with a verbal warning for minor first offenses. Additional violations may result in a written warning, suspension and/or permanent removal up to and including termination from use of a Town vehicle. In addition disciplinary action up to and including termination may be taken against an employee.
3. The methodology used to identify the responsible party for found damage will be based on the last employee who accessed the vehicle or equipment, especially in the absence of missing documentation.
4. Under certain circumstances, the administration reserves the right to impose harsher penalties to replace those imposed in this policy.
5. Termination, new hires and driver/operator changes shall be reported within 48 hours to the Department of Public Works Administration in an effort to keep driver information current and accurate.

RESOLUTION NO. 36-12-03
A RESOLUTION OF THE TOWN COMMISSION OF
THE TOWN OF LAKE PARK, FLORIDA,
AMENDING THE TOWN OF LAKE PARK
EMPLOYEE POLICY / HANDBOOK; "SECTION 7
GENERAL OPERATING PROCEDURES", BY THE
REVISION OF "ARTICLE 3 USE OF TOWN
VEHICLES";

WHEREAS, Article VI, Section 2-111 of the Town Code, Declaration of Personnel Policy, provides for the establishing of personnel principles and policies;

WHEREAS, Article VI, Section 2-112, of the Town Code provides that all employees, unless specifically exempt, are subject to the Town's Merit System; and

WHEREAS, Article VI, Section 2-121, of the Town Code, delegates the basic responsibilities for the Merit System Personnel Program to the Town Manager; and

WHEREAS, Article VI, Section 2-121 and Section 2-151, of the Town Code, authorizes the Town manager to recommend rules, regulations, revisions and amendments thereto for the consideration of the Town Commission; and

WHEREAS, The Town Manager has prepared and submitted proposed revisions and amendments to the existing Lake Park Employee Policy Handbook pertaining to the use of Town vehicles by Town employees for their consideration and approval; and

WHEREAS, the Town Manager has recommended to the Town Commission the proposed amendments to the Lake Park Employee Policy Handbook, and the Town Commission has determined that it is necessary to update the Lake Park Employee Policy Handbook to provide for an amendment to Article 3, Use of Town Vehicles, Section 7, General Operating Procedures, to provide more comprehensive requirements and restrictions pertaining to the use of Town vehicles by Town employees.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AS FOLLOWS:

SECTION 1. Article 3, Use of Town Vehicles, Section 7, General Operating Procedures of the Town of Lake Park Employee Policy Handbook is hereby amended.

SECTION 2. The amendments to Article 3, Use of Town Vehicles, Section 7, General Operating Procedures of the Town of Lake Park Employee Policy Handbook shall be effective upon adoption of this Resolution.

The foregoing Resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a roll call vote, the vote was as follows:

	AYE	NAY
MAYOR PAUL W. CASTRO	_____	_____
VICE-MAYOR G. CHUCK BALIUS	_____	_____
COUNCILOR PAUL GARRETSON	_____	_____
COUNCILOR BILL OTTERSON	_____	_____
COUNCILOR JEANINE LONGTIN	_____	_____

The Mayor thereupon declared the foregoing Resolution No.35-12-03 duly passed and adopted this 17th day of December, 2003.

TOWN OF LAKE PARK, FLORIDA

BY: _____
PAUL W. CASTRO
MAYOR

ATTEST:

Approved as to form and legal sufficiency

Carol Simpkins
Town Clerk

Thomas J. Baird, Town Attorney

(Town Seal)